

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. PISKANIN	:	CIVIL ACTION
	:	
v.	:	
	:	
MARK A. KRYSEVIG, et al.	:	NO. 07-cv-1102-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

May 9, 2007

Petitioner was convicted of identity theft and related offenses on April 20, 2005 in the Court of Common Pleas in Lehigh County, and sentenced to 7-22 years imprisonment. An appeal is currently pending before the Superior Court under case number 2072 EDA 2005. Petitioner has filed two documents in this court: a "motion for special relief," seeking waiver of the exhaustion requirement so that he may file a habeas petition based on violation of the double jeopardy clause, and a "petition and motion for bail pending due process review," which seeks the writ of habeas corpus. Petitioner appears to claim that the Lehigh County authorities, including the district attorney, improperly shared information about his criminal activities with the authorities in New Jersey and New York, which led to his prosecutions in those jurisdictions as well. Petitioner also claims that Judge William H. Platt of the Common Pleas Court was biased against him.

Clearly, with the direct appeal still pending in the Superior Court, petitioner has not exhausted his state court remedies. Nor is there any showing that the state court remedies would be inadequate or ineffective. Thus, this action will be dismissed.

An order follows.

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ORDER

AND NOW, this 9th day of May, 2007, IT IS ORDERED:

1. The above-captioned action is DISMISSED, without prejudice to petitioner's right to pursue an application for writ of habeas relief at such time as state court remedies have been exhausted.

2. The Clerk is directed to close the file statistically.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.